

CODE ENFORCEMENT BOARD
City Commission Meeting Room
100 North Andrews Avenue
November 27, 2007
10:00 A.M. – 1:40 P.M.

<u>Board Members</u>	<u>Attendance</u>	<u>2/2007 to 1/2008</u>	
		<u>Present</u>	<u>Absent</u>
Rixon Rafter, Chair	P	8	1
Myrnabelle Roche, Vice Chair	P	6	3
Howard Elfman	P	8	0
Genia Ellis	P	8	0
John Greenfield	A	6	0
Sam Mitchell	P	8	1
John Phillips [10:20]	P	7	2
Patricia Rathburn [alternate]	A	0	5
Jan Sheppard [alternate]	P	4	3
Doug White [alternate]	A	3	2

Staff Present

Ginger Wald, Assistant City Attorney
Bruce Jolly, Board Attorney
Farida Mohammed, Clerk, Code Enforcement Board
Mark Campbell, Secretary, Code Enforcement Board
Lindwell Bradley, Code Enforcement Supervisor
Brian McKelligett, Administrative Assistant II
Wayne Strawn, Building Inspector
Jorg Hruschka, Building Inspector
Mohammed Malik, Building Inspector
Will Anderson, Fire Inspector, appearing on behalf of Fire Inspector Clements
Ivett Spence-Brown, Fire Inspector
Jamie Opperee, Recording Secretary

Also Present:

CE07061037: Murray Maurer, owner
CE03120005; CE07071480: John Bria, owner
CE05120450: Miguel Gonzalez, manager
CE07030857: Tania Ouaknine, owner
CE07101529: Daniel Degagne, tenant
CE07091037: Nagi Shahid, owner
CE07040523: Kelly Parrish, property manager; Wesley Curran, general contractor
CE03082110: Shelley Acoca, owner
CE04081702: Harry Arthur, general contractor; Alex Charfen, owner
CE05121386: Jean-Luc Veraguas, owner
CE05120448: Mark Lauro, owner
CE06050522: Richard Muldoon, owner
CE04040071: Norman Williams, owner; Latasha Franklin, the owner's sister-in-law

CE06121484: Sierra Roy, owner
CE07091040: John Manette, owner
CE07030441: Brian Burns, general contractor; Esa Natour, owner
CE06020537: Michael Davis, owner
CE04100313: James Lobossiere, property manager; Abraham Narkes, owner
CE07040525: Michael Small, property manager
CE07101525: Geoffrey Andrews, owner's representative
CE07040572: Gary Keenan, owner's representative
CE05110537: Christopher Silburn, general contractor
CE06121030: Nicholas Taccuad, owner
CE06020765: Lewis Moore, owner
CE06030178: Gina Von Elbe, owner
CE05060301: Monica Churchill, tenant

Chair Rafter called the meeting to order at 10:09 a.m., introduced the Board and explained the procedures for the hearing.

Individuals wishing to speak on any of the cases on today's agenda were sworn in.

Case: CE02070223

French Village Partners
20 Southeast 8th Street

Request to vacate orders dated
9/24/02 and 3/20/05

Ms. Mohammed stated the City was requesting vacation of these orders due to a change in ownership. She explained the property was never complied; Inspector Strawn would re-cite the new owners.

Motion made by Mr. Mitchell, seconded by Ms. Sheppard, to vacate the orders. Board approved 5 – 1 with Ms. Roche opposed.

Case: CE07101529

Deaudan Properties, LLC
553 Northwest 65th Court

Ms. Mohammed announced that certified mail sent to the owner was accepted on 11/8/07.

Ms. Ivett Spence-Brown, Fire Inspector, testified to the following violations:

NFPA 1 13.6.3.10

FIRE EXTINGUISHERS ARE NOT MOUNTED.

NFPA 1 13.6.6.1.1

THERE ARE NO EMERGENCY LIGHTS PROVIDED.

NFPA 1 14.13.1.1

THERE IS NO FIRE EXTINGUISHER PROVIDED.

Complied:
NFPA 1 11.1.2

THE COVER PLATE ON THE ELECTRIC JUNCTION BOX IS MISSING
(OFFICE LIGHT).

Inspector Spence-Brown recommended ordering compliance with NFPA 1 13.6.3.10, NFPA 1 13.6.6.1.1 and NFPA 1 14.13.1.1 within 60 days or a fine of \$50 per day, per violation.

Mr. Daniel Degagne, tenant, explained that the company had recently changed hands. They had hired a management company that was in the process of installing the extinguishers. They had also hired an electrician to install the lighting.

Mr. Degagne informed Mr. Mitchell he was assuming full responsibility for making the repairs. Inspector Spence-Brown stated no permit was needed to install the emergency lights, a licensed electrician could do it.

Motion made by Mr. Mitchell, seconded by Ms. Roche, to find in favor of the City and order compliance with NFPA 1 13.6.3.10, NFPA 1 13.6.6.1.1 and NFPA 1 14.13.1.1 within 56 days or a fine of \$50 per day, per violation. Board approved 6 – 0.

Case: CE07030441

Request for extension

Esa & David Natour
1901 Northwest 21st Avenue

Ms. Mohammed announced that this case was first heard 8/28/07 to comply by 10/23/07 and 11/27/07: 9 sections at \$100 per day, per violation.

Mr. Brian Burns, general contractor, explained they had plans to build the dumpster enclosure and repair the roof. They were unsure whether they needed a grease trap for the store, but were in the process of determining this.

[Mr. Phillips arrived at 10:20]

Mr. Esa Natour, owner, requested additional time to comply. He stated the store was robbed on June 30 and he was having financial problems. Mr. Burns said they had already applied for the roof permit and would make the other repairs later.

Mr. Wayne Strawn, City Building Inspector, said he had hoped the owner would submit one set of plans for all of the repairs, but he did not object to separate plans and permits. He was anxious that the structural issues be addressed as soon as possible. Inspector Strawn did not object to a 90-day extension.

Motion made by Ms. Ellis, seconded by Mr. Elfman, to grant a 91-day extension to 2/26/08. Board approved 7 - 0.

Case: CE05120448

Request for Extension

Progresso Holding Group, LLC
1224 Northeast 7th Avenue

Ms. Mohammed announced that this case was first heard 10/24/06 to comply by 1/23/07: 1 section at \$50 per day. Previous actions taken by the Board were noted on the agenda. The property was not complied and the respondent was requesting additional time.

Mr. Mark Lauro, owner, reported he had applied for a roofing permit and it should be issued soon.

Mr. Jorg Hruschka, Building Inspector, confirmed the application was in, and stated he had no objection to an extension.

Motion made by Mr. Phillips, seconded by Ms. Roche, to grant a 56-day extension. Board approved 7 - 0.

Case: CE03120005

Request for extension

John & Georgiann Bria
219 Southwest 21st Terrace

Ms. Mohammed announced that this case was first heard on 3/23/04 with compliance ordered by 7/21/04: 2 sections at \$100 per day, per violation. Previous actions taken by the Board were noted on the agenda. The property was not complied and the owner was requesting additional time.

Mr. John Bria, owner, reported only two items remained. In September, the City informed him he must install a fire alarm, and two weeks ago, a structural inspection revealed that the existing roof stacks were not up to code. He had already hired ADT for the alarm and an air conditioning company for the stack work.

Mr. Jorg Hruschka, Building Inspector, confirmed that the alarm permits had been issued and needed final inspection.

Ms. Roche pointed out that the fire alarm system was not specified on the citation, and Mr. Mitchell agreed. Inspector Hruschka said this might be included under the installation of the kilns.

Motion made by Ms. Roche, seconded by Mr. Mitchell, to grant a 56-day extension. Board approved 7 - 0.

Case: CE07071480

Request for extension

John & Georgiann Bria
219 Southwest 21st Terrace

Ms. Mohammed announced that this case was first heard on 9/25/07 with compliance ordered by 11/27/07: 1 section at \$150 per day. The property was not complied and the owner was requesting additional time.

Mr. John Bria, owner, reported that the fire suppression system had been inspected and approved.

Ms. Roche confirmed Mr. Bria had been sworn in, so the Board could accept his testimony as true.

Mr. Jorg Hruschka, Building Inspector, confirmed the fire suppression permit was signed off by mechanical and fire.

Case was complied.

Case: CE07101525

Ideal Industrial Properties LT
6606 Northwest 20th Avenue

Ms. Mohammed announced that certified mail sent to the owner was accepted on 11/7/07 and certified mail sent to the registered agent was accepted on 11/7/07.

Ms. Ivett Spence-Brown, Fire Inspector, testified to the following violation:
FBC 105.1

INTERIOR ENCLOSED AREA WAS BUILT WITHOUT A PERMIT.

Inspector Spence-Brown recommended ordering compliance within 60 days or a fine of \$50 per day.

Mr. Geoffrey Andrews, owner's representative, stated he had become aware of the violation the previous week, and promised the Board that either the partition or the tenant would be removed.

Motion made by Mr. Mitchell, seconded by Ms. Roche, to grant a 56-day extension. Board approved 7 - 0.

Case: CE07091037

Shahid Nagi
590 Southwest 27th Avenue

Ms. Mohammed announced that certified mail sent to the owner was accepted [no date].

Mr. Will Anderson, Fire Inspector, testified to the following violations:

NFPA 101 31.3.4.1.1

A FIRE ALARM SYSTEM IS NOT INSTALLED.

NFPA 101 31.3.4.5.1

HARDWIRE SMOKE DETECTORS NOT INSTALLED.

Inspector Anderson said the fire alarm had not yet passed fire final inspection. He stated Inspector Clements had recommended ordering compliance within 30 days or a fine of \$250 per day, per violation.

Mr. Shahid Nagi, owner, requested 60 more days to comply.

Motion made by Mr. Mitchell, seconded by Ms. Sheppard, to find in favor of the City and order compliance within 56 days or a fine of \$100 per day, per violation. Board approved 7 - 0.

Case: CE04081702

Alex Charfen
1135 Northeast 12th Avenue

Imposition of fines
Request for fine reduction

Ms. Mohammed announced that this case was first heard on 5/24/05 with compliance ordered by 8/23/05: 4 sections at \$50 per day, per violation. Previous actions taken by the Board were noted on the agenda. The property was complied and the owner was requesting abatement of the fines.

Mr. Alex Charfen, owner, requested the Board impose no fines. He reminded the Board that the alterations were made by a previous owner, and as soon as he was aware of the violations, he had attended every hearing and done all that the City asked to comply the property. He presented photos and described work done to the home.

Mr. Mohammed Malik, Building Inspector, said he would leave the fine determination to the Board's discretion.

Motion made by Mr. Phillips, seconded by Ms. Roche, to impose no fine. Board approved 7 - 0.

Case: CE04100313

Abraham & Ruth Narkes
3090 West Broward Boulevard # B

Hearing to impose fines
Request for fine reduction

Ms. Mohammed announced that this case was originally heard on 10/26/04 with compliance ordered by 1/25/05: 1 section at \$50 per day. Previous actions taken by the Board were noted on the agenda. The property was complied on 11/16/07 and the owner was requesting reduction of the fine.

Mr. James Lobossiere, property manager, requested abatement of the fine. He explained that the tenant had been responsible for complying the violation, but had never completed the work. Mr. Lobossiere had hired someone to remove the shelf and install the emergency lights.

Mr. Mitchell pointed out that the case had dragged on for years. Mr. Lobossiere stated the tenant had been accepting the notices.

Mr. Abraham Narkes, owner, explained that permit applications were made in 2004 by the tenant and a contractor but had been rejected several times. Mr. Narkes reminded the Board that he had lost his son in 2005 and he believed the tenant had been responsible for the building. When he realized this year that fines had been accruing, he had hired someone to tear down the shelf/loft.

Ms. Wald showed the Board a copy of the green card signed by Mr. Narkes for the October 2004 hearing, the original order, and the August 2007 hearing.

Mr. Will Anderson, Fire Inspector, stated Inspector Clements recommended the Board decide the fine to be imposed.

Motion made by Mr. Mitchell, seconded by Mr. Phillips, to reduce the fine to \$15,576. Motion passed 6 – 1 with Ms. Roche opposed.

Case: CE03082110

Shelley Acoca
801 Southeast 16th Court # 1

Hearing to impose fine
Request to reduce fines

Ms. Mohammed announced that this case was originally heard on 11/25/03 with compliance ordered by 1/29/04: 3 sections at \$100 per day, per violation. The property was complied as of 10/22/07 and the owner was present to address the fines.

Ms. Shelly Acoca, owner, reminded the Board that the work had been done by a former boyfriend when he lived with her. He had also hidden notices from the City regarding the violations. As soon as she was aware of the violations, she had contacted Inspector Strawn and hired a contractor to make the repairs. She requested abatement of the fines.

Mr. Wayne Strawn, Building Inspector, confirmed that Ms. Acoca had worked to comply the property as soon as she was aware of the violations.

Motion made by Mr. Phillips, seconded by Ms. Roche, to impose no fine. Board approved 7 – 0.

Case: CE06020537

Request for extension

Michael L. Davis
2315 Northwest 13th Street

Ms. Mohammed announced that this case was first heard 1/23/07 to comply by 4/24/07: 3 sections at \$25 per day, per violation. Previous actions taken by the Board were noted on the agenda. The property was not complied, and the owner was present to request additional time.

Mr. Michael Davis, owner, reported he had been approved for a loan to complete the work. He requested a 90-day extension.

Mr. Wayne Strawn, Building Inspector, confirmed that the shed and car canopy had been removed and the property was maintained. He did not object to an extension.

Motion made by Mr. Mitchell, seconded by Mr. Phillips, to grant a 119-day extension. Board approved 7 – 0.

Case: CE07030857

Request for extension

Michel & Tania Ouaknine Inc.
519 Northwest 23rd Avenue

Ms. Mohammed announced that this case was first heard 6/26/07 to comply by 9/25/07: 13 sections at \$50 per day, per violation. Time to comply had been extended from 9/25/07 to 11/27/07. The property was not complied, and the respondent was requesting additional time.

Ms. Tania Ouaknine, owner, explained that the contractor she had hired had told her he applied for permits for the work, but she had discovered this was not true. She requested an extension to either have the work done or find another contractor.

Ms. Ouaknine stated she wanted to sell the property, but wanted to fix it first.

Mr. Wayne Strawn, Building Inspector, confirmed that 9-278(e) was complied. He recommended an extension no longer than 30 days.

Motion made by Mr. Phillips, seconded by Ms. Roche, to grant a 56-day extension. Board approved 7 – 0.

Motion made by Mr. Mitchell, seconded by Mr. Phillips, to record the order. Board approved 7 – 0.

Case: CE07040572

Request for extension

Richard & Marcie Spreen
6680 Northwest 17th Avenue

Ms. Mohammed announced that this case was first heard on 5/22/07 with compliance ordered by 7/24/07: 1 section at \$50 per day. Time to comply had been extended from 8/28/07 to 11/27/07. The property was not complied and the owner was requesting additional time.

Mr. Gary Keenan, representative of the owner, stated they had passed electrical and mechanical inspections, and they were making changes pursuant to a request from the fire inspector. He requested a 60-day extension.

Ms. Ivette Spence-Brown, Fire Inspector, had no objection to an extension.

Motion made by Mr. Mitchell, seconded by Ms. Roche, to grant a 56-day extension. Board approved 7 - 0.

Case: CE07040523

Request for extension

J. Perry & Joyce Knight
% Kelly Parrish, Property Manager
776 Northwest 57th Court

Ms. Mohammed announced that this case was first heard on 5/22/07 with compliance ordered by 6/26/07: 1 section at \$250 per day. Time for compliance was extended from 6/26/07 to 8/28/07 and from 8/28/07 to 11/27/07. The property was not complied and the respondent was requesting additional time.

Mr. Wesley Curran, general contractor, explained he had been hired by the tenant to comply the violations at the property. An engineering study had revealed that a storage loft could not meet code, and he had informed the owner and tenant it must be removed. Mr. Curran explained they would replace one section of the shelving at a time with code-compliant material. He requested a 90-day extension.

Mr. Curran informed Mr. Mitchell that employees walked under the storage structure. He confirmed the structures did not meet load capacities, but the engineer had not informed him it presented a life safety hazard.

Ms. Ivette Spence-Brown, Fire Inspector, had no objection to an extension.

Motion made by Mr. Mitchell, seconded by Ms. Sheppard, to grant a 91-day extension. Board approved 6 – 1 with Ms. Roche opposed.

Case: CE04040071
Norman & Andrea Williams
1517 Northwest 19th Avenue

Hearing to impose fine
Request for extension

Ms. Mohammed announced that this case was originally heard on 5/25/04 with compliance ordered by 8/23/04: 2 sections at \$25 per day, per violation. Time for compliance was extended from 8/24/04 to 9/28/04 and from 7/24/07 to 10/23/07. The property was not complied and the City was requesting imposition of a \$53,100 fine and its continued accrual until the property was complied. Service was via the appearance of the owner at this hearing.

Mr. Wayne Strawn, Building Inspector, requested imposition of the fine.

Mr. Norman Williams, owner, explained that the changes were made by a previous owner. He had tried to pull the permit himself but the City would not allow this. Mr. Williams said an architect he contacted had refused to make the drawings because he had not done the work. Mr. Williams said he had broken his leg and been out of work for 6 months and was currently living in Atlanta

Mr. Mitchell pointed out the length of time that had gone by since the property was first cited. He noted there were many houses in the City that were altered by an owner and sold without revealing the alterations to the new owner.

Mr. Williams said after he had moved to Atlanta, family members moved into the property. Mr. Williams was not sure if he must demolish the alterations instead of obtaining a permit for them. Mr. Phillips advised Mr. Williams to hire an architect and a general contractor. Mr. Williams reiterated that the architect he consulted refused to make drawings for him. Ms. Roche advised him that he must continue looking until he found a contractor and an architect who would do the work.

Ms. Latasha Franklin, the owner's sister-in-law, explained that the architects and contractors wanted exorbitant fees. She noted that the structure had withstood hurricanes. Mr. Phillips reminded her that the fines were constantly accruing, and the property was in danger of foreclosure. He advised her to get the family members to contribute money to hire the architect and contractor.

Mr. Wayne Strawn, Building Inspector, explained to the Board that Doug Kurtok was the original inspector for this case. Research had revealed that there had been a serious fire at the property before Mr. Williams bought it. The building official had allowed the original plans to be used to rebuild after the fire, but they had not been followed. Inspector Strawn noted that Inspector Kurtok's reports refer to an "unsafe condition" at the property and to deterioration and ceilings falling. These were not visible today, but Inspector Strawn stated that any work done without a permit was deemed unsafe.

Motion made by Mr. Phillips, seconded by Mr. Mitchell, to grant a 91-day extension and to record the original order. Board approved 7 - 0.

Case: CE05120450

Request for Extension

D & D Resources LLC
400 Northeast 13th Street
Tenant: Valvoline Express

Ms. Mohammed announced that this case was originally heard on 10/24/06 with compliance ordered by 2/27/07: 3 sections at \$50 per day, per violation. Previous actions taken by the Board were noted on the agenda. The property was not complied and the respondent was requesting additional time.

Mr. Miguel Gonzales, manager, requested a 60-day extension. He explained that in January, the container company could remove the containers. Plans for the asphalt had been returned by the City, and changes had been recently re-submitted.

Mr. Gonzales explained they had intended to store used tires in the containers, but had learned this was not permitted, so they would remove the containers. He informed Mr. Mitchell they were not servicing tires at the location. Mr. Gonzales stated the signs and electrical issues were signed off.

Mr. Gonzales insisted they were not selling tires on the site as recently as two to three weeks ago, as Mr. Mitchell suggested.

Mr. Mohammed Malik, Building Inspector, confirmed that the permit for the containers had been rejected and the paving permit had been resubmitted. He did not object to an extension for the containers to be removed.

Motion made by Ms. Roche, seconded by Ms. Ellis, to grant a 56-day extension. Motion passed 5 – 2 with Mr. Mitchell and Chair Rafter opposed.

Inspector Malik confirmed with Mr. Gonzales that there would be no further extensions in January.

Case: CE07091040

River Isle Management Corp
1801 Southwest 2ND Street

Ms. Mohammed announced that certified mail sent to the owner was accepted on 10/18/07 and certified mail sent to the registered agent was accepted on 10/13/07.

Mr. Will Anderson, Fire Inspector, testified to the following violation:
NFPA 101 31.3.4.5.1

HARDWIRED SMOKE DETECTORS NOT INSTALLED.

Inspector Anderson stated Inspector Clements recommended ordering compliance within 10 days or a fine of \$250 per day.

Mr. John Manette, owner, said the permit was issued on 10/26/07 and work was complete. He anticipated final inspection on Friday, which would comply the property.

Motion made by Ms. Roche, seconded by Ms. Sheppard, to find in favor of the City and order compliance within 56 days or a fine of \$250 per day. Board approved 7 - 0.

Case: CE06121484

Hearing to impose fine

Sierra Roy
1800 Northeast 20th Avenue

Ms. Mohammed announced that this case was first heard on 2/27/07 with compliance ordered by 5/22/07: 1 section at \$250 per day. Time for compliance was extended from 6/26/07 to 10/23/07. The property was complied and the City was requesting imposition of a \$17,000 fine. Certified mail sent to the owner was accepted and service was also via posting on the property on 10/26/07 and at City Hall on 11/1/07.

Ms. Sierra Roy, owner, requested abatement of the fines; she stated the architect had taken "forever" to submit the drawings. Ms. Roy added that she had also been caring for her grandmother, who passed away in June. Ms. Roy said she had tried to get on a previous agenda to request an extension, but was informed when she phoned that the agenda was closed.

Mr. Wayne Strawn, Building Inspector, stated he would not have opposed an extension if Ms. Roy had been scheduled on an earlier agenda.

Motion made by Ms. Roche, seconded by Ms. Ellis, to impose no fine. Board approved 7 - 0.

Case: CE05121386

Request for Extension

The 1200 Northwest 16 Court Land Trust
Neu Ways Inc., Trustee
1200 Northwest 16th Court

Ms. Mohammed announced that this case was first heard on 10/24/06 to comply by 2/27/07, 7 sections at \$25 per day, per violation. Previous actions taken by the Board were noted on the agenda. The property was not complied and the owner was requesting additional time.

Mr. Jean-Luc Veraguas, owner, explained he had pulled a permit, but the City's sewer project continued to damage the sidewalk. He wanted to wait until the City was through with the sewer project before repairing the sidewalk. He confirmed that all of the other violations were complied. Mr. Veragus requested a 90-day extension.

Mr. Wayne Strawn, Building Inspector, confirmed that the entire street was torn up at the moment. He recommended an extension longer than 90 days.

Motion made by Ms. Roche, seconded by Ms. Sheppard, to grant a 182-day extension. Board approved 7 – 0.

Case: CE07061037
S & R Ribler Properties
204 Southwest 21st Terrace

Request for extension

Ms. Mohammed announced that this case was first heard on 7/24/07 to comply by 9/25/07: 1 section at \$100 per day. Time for compliance was extended from 10/23/07 to 11/27/07. The property was not complied and the owner was requesting additional time.

Mr. Jesse Maurer, owner, stated the property was complied, and requested abatement of the fines. He stated he had phoned to request an extension, but had been told he could not be put on the agenda, and fines had accrued. Mr. Maurer said the City originally issued a permit, but when the property was inspected, the Inspector informed Mr. Maurer that he must consult with the County first. This had delayed compliance.

Mr. Will Anderson, Fire Inspector, confirmed that the property was complied on 11/20/07.

Motion made by Mr. Phillips, seconded by Ms. Roche, to impose no fine. Board approved 7 - 0.

Case: CE07040525
First Industrial LP
4750 Northwest 15th Avenue

Request for extension

Ms. Mohammed announced that this case was first heard on 5/22/07 to comply by 9/25/07: 1 section at \$50 per day. Time for compliance was extended from 9/25/07 to 11/27/07. The property was not complied and the owner was requesting additional time.

Mr. Michael Small, property manager, said he had submitted the application in June, and zoning had returned the plans because the property was not zoned for this use. He had met with Terry Burgess, who advised him to re-submit the plans. Mr. Small was then informed that zoning would not consider the plans because of the fire issue.

Mr. Small had researched the property and discovered that this zoning issue had been a problem in 2002, and the City had ultimately approved that tenant at that location. Mr. Small said the Fire Marshall had sent a Captain to inspect the property, and she had determined they would consider this space as storage only, which would comply with zoning.

Mr. Small requested a 60-day extension to meet with Mr. Burgess and re-submit his plans.

Ms. Yvette Spence-Brown, Fire Inspector, said the violation pertained only to the hole in the firewall; the complaint regarding the storage was not an issue here. She recommended fines begin immediately.

Ms. Roche asked if any plans submitted would be considered if zoning had put a stop on the property, as Mr. Small believed.

Mr. Lindwell Bradley, Code Enforcement Supervisor, confirmed that if zoning had a "hard hold" on the property, permits would not be issued. He added that removal of the vehicles would comply the property as well.

Motion made by Ms. Ellis, seconded by Mr. Phillips, to grant a 56-day extension. Board approved 6 – 1 with Mr. Mitchell opposed.

Case: CE06030178

Hearing to impose fine

Gina Von Elbe & Edgar Raphael Marquez
1801 Northeast 20th Street

Ms. Mohammed announced that this case was originally heard on 11/28/06 to comply by 1/23/07: 1 section at \$50 per day. The property was complied and the City was requesting imposition of a \$10,800 fine. Service was via posting on the property on 10/30/07 and at City Hall on 11/1/07.

Ms. Gina Von Elbe, owner, requested abatement of the fine. She explained that she had moved to Montana and her husband had moved to New York and they had not received the notices regarding the property. When she moved back this summer, she had acted as quickly as possible to comply the property.

Mr. Jorg Hruschka, Building Inspector, said he had taken this case over from another inspector, so he did not know why it had taken so long to comply. He recalled that a friend had been living at the property since Ms. Von Elbe had left, and he had wondered why a friend would not notify her of the notices of violation.

Motion made by Mr. Phillips, seconded by Ms. Roche, to impose no fine. Board approved 7 – 0.

[Ms. Roche left the hearing at 12:23]

Case: CE06020765

Request for extension

Lewis & Sheila Moore
1601 Northwest 10th Avenue

Ms. Mohammed announced that this case was first heard 5/22/07 to comply by 11/27/07: 4 sections at \$50 per day, per violation. The property was not complied and the respondent was present to request additional time.

Mr. Lewis Moore, owner, said he had hired Mr. Osborne to draw the plans, and he should submit plans in one to two weeks. He requested an extension of time.

Mr. Wayne Strawn, Building Inspector, stated he had spoken with Mr. Osborne, who informed him this was a difficult case. Inspector Strawn stated he did not oppose an extension.

Motion made by Mr. Phillips, seconded by Ms. Sheppard, to grant a 119-day extension. Board approved 6 – 0.

Case: CE05110537

Sarah Wynter, 1/2 Interest,
David Wynter
1039 Northwest 12th Street

Ms. Mohammed announced that service was via posting on the property on 11/14/07 and at City Hall on 11/16/07.

Mr. Wayne Strawn, Building Inspector, testified to the following violations:
47-34.1.A.1.

THE BUILDING IS BEING USED AS A DUPLEX. THIS USE
IS PROHIBITED IN AN RS-8 ZONING DISTRICT AS
PROVIDED BY THE TABLE AT 47-5.11

FBC 105.1

THE FOLLOWING CONSTRUCTION, ALTERATIONS, AND
CONVERSION HAVE BEEN DONE WITHOUT OBTAINING THE
REQUIRED PERMIT OR THE PERMITS FOR SUCH HAVE
EXPIRED AND BECOME NULL AND VOID.

1. ALL CONSTRUCTION AND ALTERATION CONNECTED
TO MASTER PERMIT #B894846. THIS INCLUDES THE
CONSTRUCTION OF THE REAR ADDITION TO THE BUILDING. THE
ADDITION HAS TWO BEDROOMS, A UTILITY ROOM AND A
KITCHEN EXPANSION. THE PERMIT HAS EXPIRED AND BECOME
NULL AND VOID.
2. CONSTRUCTION OF A STORAGE BUILDING ON THE
WEST SIDE OF THE PROPERTY.
3. INSTALLATION OF WINDOWS AND DOORS IN THE
ORIGINAL HOUSE.
4. THE CONVERSION OF THE BUILDING INTO A TWO
FAMILY HOME AND TWO KITCHENS.

FBC 105.2.11

AIR-CONDITIONING UNITS HAVE BEEN INSTALLED WITHOUT
OBTAINING THE REQUIRED PERMITS.

FBC 105.2.4

THE WORK DONE UNDER THE AUSPICES OF THE EXPIRED
PLUMBING PERMITS (P892125 & 89534107) NOW EXISTS
AS WORK DONE WITHOUT A PERMIT SINCE THE PERMITS
HAVE BECOME NULL AND VOID.

FBC 105.2.5

THE WORK DONE UNDER THE AUSPICES OF THE EXPIRED ELECTRICAL PERMITS (89-2239 & 91-2739) NOW EXISTS AS WORK DONE WITHOUT PERMITS SINCE THE PERMITS HAVE BECOME NULL AND VOID.

FBC 106.10.3.1

THE FOLLOWING PERMITS HAVE NOT PASSED THE REQUIRED FIELD INSPECTIONS. THESE PERMITS HAVE EXPIRED AND BECOME NULL AND VOID.

1. B894846- THIS IS THE MASTER PERMIT FOR THE CONSTRUCTION OF AN ADDITION ON THE REAR OF THE BUILDING. THE ADDITION INCLUDES TWO BEDROOMS, A BATHROOM, UTILITY ROOM AND AN EXPANSION OF THE KITCHEN.
2. #89-2239 & #91-2739- ELECTRICAL WORK AS SHOWN ON THE MASTER PERMIT PLANS.
3. #P892125- PLUMBING WORK AS SHOWN ON THE MASTER PERMIT PLANS.
4. #89534107- PLUMBING FOR A WASHING MACHINE AND WATER HEATER.

FBC 109.6

ALL OF THE CONSTRUCTION, ALTERATIONS AND INSTALLATIONS DONE HAVE NOT BEEN APPROVED BY FIELD INSPECTION AS REQUIRED.

FBC 110.1.1

THE BUILDING HAS BEEN CHANGED IN THE NATURE OF ITS OCCUPANCY AND IS BEING OCCUPIED WITHOUT FIRST OBTAINING A CERTIFICATE OF OCCUPANCY.

FBC 1604.2

THE MATERIALS AND DESIGN OF THE STORAGE BUILDING DO NOT PROVIDE THE STRENGTH AS REQUIRED BY THE FLORIDA BUILDING CODE TO RESIST ALL LOADS IMPOSED.

Inspector Strawn recommended ordering compliance within 90 days or a fine of \$25 per day, per violation.

Mr. Christopher Silburn, general contractor, reported the architect was making changes to the plans pursuant to the City's request. He hoped to re-submit the plans this week. He requested a 90-day extension.

Motion made by Mr. Phillips, seconded by Mr. Elfman, to find in favor of the City and order compliance within 91 days or a fine of \$25 per day, per violation. Board approved 6 – 0.

Case: CE05060301

Hearing to impose fines

John Mink Revocable Trust &
Kevin Mink, Trustee
5780 Northwest 9th Avenue

Ms. Mohammed announced that this case was first heard on 7/26/05 to comply by 10/25/05: 8 sections at \$250 per day, per violation. The case had been continued from 8/28/07 to 10/23/07 and time for compliance was extended from 10/23/07 to 11/27/07. Certified mail sent to the owner was accepted on 11/2/07, signed by John Mink.

Ms. Mohammed stated the property was not complied and the City was requesting imposition of a \$1,454,000 fine.

Ms. Monica Churchill, tenant and acting property manager, said she had a letter from Kevin Mink to present to the Board. She explained that Mr. John Mink could not have received service because he was deceased.

Ms. Churchill said she had found a contractor and hoped the permit to demolish the building would be issued in two to three weeks. She requested a 90-day extension. Ms. Churchill stated she had hired a permit researcher, who had discovered that there was a closed out permit for the restaurant.

Mr. Wayne Strawn, Building Inspector, described items complied at the property and recommended an extension be granted to encourage progress at the property.

Motion made by Mr. Mitchell, seconded by Ms. Ellis, to grant a 56-day extension for Ms. Churchill to report back to the Board. Board approved 6 – 0.

Case: CE06050522

Hearing to impose fine

D & J Investments LLC
1300 Northwest 65th Place

Ms. Mohammed announced that this case was first heard 7/25/06 to comply by 1/23/07: 5 sections at \$200 per day, per violation. Previous actions taken by the Board were noted on the agenda. The property was not complied, and the City was requesting imposition of a \$ 95,000 fine and its continued accrual until the property was complied.

Mr. Richard Muldoon, owner, reported the property was complied the previous day. He explained that his general contractor was supposed to appear on his behalf at the previous meeting, but had not shown up. He asked to be put on the Board's next agenda to request reduction of the fines.

Ms. Ivette Spence-Brown, Fire Inspector, confirmed that the property was complied.

Motion made by Mr. Phillips, seconded by Ms. Sheppard, to reduce the fine to \$950. Board approved 4 – 2 with Ms. Ellis and Mr. Mitchell opposed.

Approval of meeting minutes

Motion made by Ms. Ellis, seconded by Mr. Phillips, to approve the minutes of the Board's October 23, 2007 meeting. Board approved 6 - 0.

[The Board took a break from 12:48 to 12:15]

Case: CE07101682

Stipulated agreement

Jeffrey Neal Young
2310 Northwest 9th Place

Ms. Mohammed announced that certified mail sent to the owner was accepted on 11/3/07. Ms. Mohammed stated the inspector had a stipulated agreement with the owner to comply.

Mr. Wayne Strawn, Building Inspector, testified to the following violations:
FBC 105.1

THE FOLLOWING ALTERATIONS HAVE BEEN COMPLETED
WITHOUT OBTAINING A BUILDING PERMIT.

1. REPLACEMENT OF DOORS AND WINDOWS
2. RE-STUCCO OF THE COMPLETE BUILDING
3. KITCHEN REMODEL
4. ENCLOSURE OF THE SCREEN PORCH ON THE
EAST SIDE OF THE BUILDING
5. ORIGINAL BUILT UP ROOF REPLACED WITH
ASPHALT SHINGLES

FBC 105.2.11

AN AIR-CONDITIONING SYSTEM HAS BEEN INSTALLED
WITHOUT OBTAINING THE REQUIRED PERMIT.

FBC 105.2.4

PLUMBING WORK HAS BEEN DONE WITHOUT OBTAINING A
PLUMBING PERMIT. THE WORK INCLUDES BUT MAY NOT BE
LIMITED TO: THE INSTALLATION OF A KITCHEN SINK,
BATHTUB, AND WATER HEATER.

FBC 109.6

THE WORK DONE WITHOUT PERMITS WAS COMPLETED
WITHOUT ANY INSPECTIONS. WORK THAT HAS NOT BEEN
APPROVED HAS BEEN SUBSEQUENTLY COVERED OVER.

Inspector Strawn stated he had a stipulated agreement with the owner to comply FBC 105.1, FBC 105.2.11 and FBC 105.2.4 within 91 days or a fine of \$25 per day, per violation, and to comply FBC 109.6 within 119 days or a fine of \$25 per day.

Motion made by Mr. Phillips, seconded by Ms. Sheppard, to find in favor of the City, approve the stipulated agreement and order compliance with FBC 105.1, FBC 105.2.11 and FBC 105.2.4 within 91 days or a fine of \$25 per day, per violation, and with FBC 109.6 within 119 days or a fine of \$25 per day. Board approved 6 – 0.

Case: CE07091032

A&M Investments of America LLC
3200 West Broward Boulevard

Ms. Mohammed announced that certified mail sent to the owner was accepted on 10/13/07 and certified mail sent to the registered agent and an officer of the company were both accepted on 10/13/07.

Mr. Will Anderson, Fire Inspector, testified to the following violation:
NFPA 1 1.12.1

INTERIOR RENOVATIONS WERE PERFORMED WITHOUT
OBTAINING A PERMIT.

Inspector Anderson stated Inspector Clements recommended ordering compliance immediately, and that the fine begin accruing. Inspector Anderson said he had no direct knowledge of the case.

The Board agreed they could take no action without the testimony of Inspector Clements, and withdrew the case.

Case: CE07101524

6400 Associates LLC
6414 Northwest 5th Way

Ms. Mohammed announced that certified mail sent to the owner was accepted on 11/7/07 and certified mail sent to the registered agent was accepted on 11/7/07.

Ms. Ivett Spence-Brown, Fire Inspector, testified to the following violation:
FBC 105.1

INTERIOR ALTERATIONS WERE DONE WITHOUT A PERMIT.

Inspector Spence-Brown recommended ordering compliance within 60 days or a fine of \$100 per day.

Motion made by Mr. Mitchell, seconded by Mr. Phillips, to find in favor of the City and order compliance within 56 days or a fine of \$100 per day. Board approved 6 – 0.

Case: CE07101533

Bellamarc Investments Inc
6890 Northwest 9th Avenue

Ms. Mohammed announced that certified mail sent to the owner was accepted on 11/9/07 and certified mail sent to the registered agent was accepted on 11/9/07.

Ms. Ivett Spence-Brown, Fire Inspector, testified she had spoken with the tenant, and because he had submitted plans, she informed him she would reschedule the case. She withdrew the case.

Case: CE06050647

Hearing to impose fine

Gina Villavicencio
1145 Northeast 5th Terrace

Ms. Mohammed announced that this case was first heard on 1/23/07 to comply by 5/22/07: 2 sections at \$50 per day, per violation. Previous actions taken by the Board were noted on the agenda. Certified mail sent to the owner was returned unclaimed, but service was via posting on the property on 10/26/07 and at City Hall on 11/1/07. The property was not complied and the City was requesting imposition of the \$6,200 fine and its continued accrual until the property was complied.

Mr. Mitchell was concerned that the certified mail service had never been acknowledged and suggested they continue the case to January. Ms. Mohammed stated Inspector Malik had informed her that as of the previous day, the fence posts remained, so the property was not complied.

Motion made by Mr. Mitchell, seconded by Mr. Phillips, to continue the case for 56 days. Board approved 6 – 0.

Inspector Malik returned after the Board had voted and informed the Board that the fence posts were still present.

Case: CE04120753

Hearing to impose fine

Rick & Linda Williams
1450 Southwest 21st Terrace

Ms. Mohammed announced that this case was first heard on 5/24/05 to comply by 11/22/05: 1 section at \$100 per day. Previous actions taken by the Board were noted on the agenda. The case was not complied, and the City was requesting imposition of the \$15,200 fine and its continued accrual until the property was complied. Ms. Mohammed confirmed that certified mail had not been returned, but service was via posting on the property on 10/26/07 and at City Hall on 11/1/07.

Mr. Jorg Hruschka, Code Enforcement Officer, stated he had inspected the property this morning, and a posting he had previously placed on the door had been removed. There was also a For Sale sign on the property.

Motion made by Mr. Mitchell, seconded by Ms. Sheppard, to find the violations were not complied by the ordered date, to impose the \$15,200 fine and continue its accrual until the property was complied, and to record the order. Board approved 6 – 0.

Case: CE07040131

Hearing to impose fine

Homer & Tracy Lavon Sapp
405 Northwest 19th Avenue

Ms. Mohammed announced that this case was first heard on 9/25/07 to comply by 10/23/07: 5 sections at \$50 per day, per violation. The property was not complied and the City was requesting imposition of the \$8,500 fine and its continued accrual until the property was complied. Certified mail sent to the owner had not been returned, but service was via posting on the property on 10/26/07 and at City Hall on 11/1/07.

Mr. Wayne Strawn, Building Inspector, recommended imposition of the fine.

Mr. Mitchell pointed out that no one had appeared at this or the previous hearing to address the Board, and he was concerned that there may be some extenuating circumstances preventing the owner from attending.

Inspector Strawn informed the Board that the house was vacant, and someone had shown up for a prior hearing, but had left before the case was called. He noted that he had originally cited the case in 2004. Inspector Strawn explained that the City had issued a stop work order in 2004 but the work had continued. Inspector Strawn had learned that the owner was subsequently killed in an accident.

Motion made by Mr. Mitchell, seconded by Ms. Ellis, to find the violations were not complied by the ordered date, to impose the \$8,500 fine and continue its accrual until the property was complied, and to record the order. Board approved 6 – 0.

Case: CE06060258

Hearing to impose fine

Leonora Fernandez
1061 Northwest 23rd Terrace

Ms. Mohammed announced that this case was first heard on 1/23/07 to comply by 4/27/07: 8 sections at \$25 per day, per violation. Time for compliance was extended from 4/24/07 to 7/24/07 and from 8/28/07 to 10/23/07. The property was not complied and the City was requesting imposition of the \$13,800 fine and its continued accrual until the property was complied. Certified mail sent to the owner was accepted on 10/27/07 and service was also via posting on the property on 10/26/07 and at City Hall on 11/1/07.

Mr. Wayne Strawn, Building Inspector, stated the property was unoccupied, and there had been "no notable effort to comply."

Motion made by Mr. Phillips, seconded by Mr. Mitchell, to find the violations were not complied by the ordered date, to impose the \$13,800 fine and continue its accrual until the property was complied, and to record the order. Board approved 6 – 0.

Case: CE06121030

NBT Holdings Company
1460 Southwest 28th Street

Hearing to impose fine

Ms. Mohammed announced that this case was first heard on 6/26/07 to comply by 10/23/07: 5 sections at \$50 per day, per violation. The property was not complied, and the City was requesting imposition of the \$8,500 fine and its continued accrual until the property was complied. Certified mail sent to the owner was accepted [no date] and service was via posting on the property on 10/29/07 and at City Hall on 11/1/07.

Mr. Nicholas Taccuard, owner, stated he had contacted a builder as soon as he learned of the violations. He explained it had taken months to collect the architect and subcontractors and apply for all of the permits. Mr. Taccuard stated they had submitted permit applications in September, had made corrections pursuant the City's suggestions, and had resubmitted the plans the previous day.

Mr. Wayne Strawn, Building Inspector, stated he did not object to an extension.

Motion made by Mr. Mitchell, seconded by Mr. Phillips, to grant a 56-day extension. Board approved 6 – 0.

Cases Withdrawn

Ms. Mohammed announced that the below listed cases had been withdrawn. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

CE06021066

CE06091348

CE05090926

Cases Complied

Ms. Mohammed announced that the below listed cases were complied. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

CE07101537

CE07101528

CE07101536

CE07101531

CE07101540

There being no further business to come before the Board, the meeting adjourned at 1:40 P.M.


Chair, Code Enforcement Board

ATTEST:


Clerk, Code Enforcement Board

NOTE: The agenda associated with this meeting is incorporated into this record by reference.